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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिस से कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 16th May, 1972:—

BILL NO. XV OF 1972

A Bill further to amend the Indian Telegraph Act, 1885

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Indian Telegraph (Amendment) Act, 1972. Short title.

1. of 1885. 2. For section 5 of the Indian Telegraph Act, 1885, the following section shall be substituted, namely:— Substitution of new section for section 5.

"5. (1) On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do, take temporary possession (for so long as the public emergency exists or the interest of the public safety requires the taking of such action) of any telegraph established, maintained or worked by any person licensed under this Act. Power for Government to take possession of licensed telegraphs and to order interception of messages.

(2) On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Gov-

ernment or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government making the order or an officer thereof mentioned in the order:

Provided that press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this sub-section.".

STATEMENT OF OBJECTS AND REASONS

Section 5 of the Indian Telegraph Act, 1885, confers powers on the Government, on the occurrence of any public emergency or in the interest of the public safety, to take possession of licensed telegraphs and to order interception of messages. As doubts have been expressed about the validity of this provision, Government, after consulting the Law Commission, considers it necessary to amend sub-section (*1*) (*b*) of that section so as to limit the exercise of powers thereunder only in the interests of the sovereignty and integrity of India, the security of the State, public order or friendly relations with foreign States or for preventing incitement to the commission of an offence. The object is to bring the provisions of sub-section (*1*) of section 5 in line with the permissible heads of restrictions under article 19 (2) of the Constitution. Government also considers it necessary to omit sub-section (*2*) of section 5 which bars judicial review of any action taken under the section.

The Bill seeks to achieve the above objects.

NEW DELHI;
The 24th April, 1972.

H. N. BAHUGUNA.

B. N. BANERJEE,
Secretary.

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